

Congress of the United States
Washington, DC 20515

April 20, 2023

The Honorable Merrick B. Garland
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530

Dear Attorney General Garland:

We write to request a Section 12601 investigation into the Antioch Police Department (APD) in Antioch, California following the extremely troubling reports of racist, homophobic, and illegal conduct by law enforcement officers, demonstrating a pattern of unconstitutional discrimination, use of force, and violations of the constitutional rights of Antioch citizens.

The recent report from the joint investigation by the Federal Bureau of Investigation and the Contra Costa County District Attorney's Office revealed shocking and disturbing text messages and communications involving nearly four dozen former and current Antioch officers. In these messages, officers used racial slurs, shared homophobic and sexist comments, made threats to public officials, and revealed blatant violations of citizens' constitutional rights. In one example, an APD officer admitted that he has falsified police reports to indicate that a suspect confessed when they had not. The messages also reveal disturbing images shared between the officers, including photos of citizens they have assaulted in hospital beds and photos of gorillas when referencing African American people.

In 1994, Congress passed the *Violent Crime Control and Law Enforcement Act* giving the U.S. Attorney General the authority to review the practices of law enforcement agencies that may be violating people's federal rights. Section 12601 of the *Violent Crime Control and Law Enforcement Act* specifically empowers the Department of Justice to investigate law enforcement agencies that "engage in a pattern or practice of conduct" that "deprives persons of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States."

From this report, we know that at least 45 officers are involved in the specific text messages referenced, which is over half of the total 99 sworn officers currently employed by the Antioch Police Department. The messages in this report paint a clear picture of a systemic culture of racism, intolerance, and cruelty at the Antioch Police Department that is unacceptable for those sworn to protect and serve their community.

Given the egregiousness of the behavior outlined in the joint FBI and District Attorney's report and the number of officers involved, we request that the Department initiate a Section 12601 investigation, or any other appropriate investigative or remediation effort. We respectfully request a response to this inquiry by May 5, 2023. Thank you for your attention to this important matter.

Sincerely,



Mark DeSaulnier
Member of Congress



John Garamendi
Member of Congress

CC: Rob Bonta, Attorney General, State of California Department of Justice